

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06cr200

UNITED STATES OF AMERICA

vs.

ALEXANDER WOODARD

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ORDER

THIS MATTER is before the Court upon motion of the defendant for review of detention. (Doc. No. 18). The defendant asserts that his terminal medical situation constitutes a change in circumstances sufficient to release him on bond pending sentencing.

The defendant pled guilty to a one-count indictment on December 8, 2006, charging possession of a firearm after being convicted of a felony. (Doc. No. 12: Plea Agreement; Doc. No. 13: Acceptance and Entry of Guilty Plea). Thus, the defendant has been found guilty and is awaiting imposition of sentence for an offense described in subparagraph (A) of subsection (f)(1) of 18 U.S.C. § 3142. Pursuant to § 3143(a)(2), the defendant shall be detained unless the Court finds a substantial likelihood that a motion for acquittal or new trial will be granted; or an attorney for the government has recommended that no sentence of imprisonment be imposed; and the Court finds by clear and convincing evidence the person is not likely to flee or pose a danger to any other person or the community. 18 U.S.C. § 3143(a)(2)(A)(i), (ii) and (B).

Although the Court is sympathetic to the defendant's medical condition, he has not alleged or established that the statutory requirements for release have been met or could be avoided. Thus, the Court is obligated by the statute to detain the defendant because the prerequisites for

release have not been met. Id. Upon completion of the Presentence Report, the Court will endeavor to sentence the defendant promptly, and the defendant may argue his medical condition as it relates to the sentencing factors articulated in 18 U.S.C. § 3553(a).

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, the United States Marshals service, and the U.S. Probation office.

Signed: August 3, 2007

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

